



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Melvin S. MOGIL

Serial No.: 09/859,451

Filed: May 18, 2001

For: DIVIDED INSULATED CONTAINER

Group Art Unit: 3727

Examiner: J. Pascua

RESPONSE TO OFFICE ACTION

Commissioner of Patents
Washington, D.C., 20231

June 10, 2002

Sir:

In response to the second Office Action dated April 10, 2002, please consider the following remarks:

REMARKS

(1) **Summary of the Office Action**

Claims 1, 2, 4 and 19 to 44 are currently pending in the subject application.

In the second Office Action (made final) dated April 10, 2002, claims 1, 2, 4 and 19 - 44 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-29 of U.S. Patent No. 6,234,677. In addition, claims 1, 2, 4, 19 - 22 and 28 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,877,128 to Strickland.

(2) **Double Patenting Rejection**

As requested by the Examiner, the applicant submits concurrently with the present response a terminal disclaimer for the instant application in respect of U.S. Patent No. 6,234,677.

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K. C. G. H.
6/19/02

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